

*JP*

Jeffrey Dale Sam, ODOC# 761029 )  
 William S. Key C. C. )  
 P.O. Box 61 )  
 Fort Supply, OK 73841-0061 )

**FILED**

JUL 14 2017

Mark C. McCartt, Clerk  
 U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**17 CV 415 TCK - FHM**

Jeffrey Dale Sam, Plaintiff	)	CASE NO. _____
	)	(To be supplied by the Clerk)
	)	
Eddie Virden, et al, Defendants	)	CIVIL RIGHTS COMPLAINT
Turn Key Medical, et al	)	PURSUANT TO 42 U.S.C.
	)	§1983
	)	
	)	

**A. JURISDICTION**

- 1) Jeff Dale Sam, is a citizen of Oklahoma who presently resides at William S. Key Correctional Center, P.O. Box 61, Fort Supply, OK 73841.
- 2) Defendant, Eddie Virden, et al, is a citizen of Pawhuska, Oklahoma and is employed as Sheriff of Osage County. At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? Yes. If your answer is "Yes", briefly explain: Eddie Virden is Sheriff of Osage County and therefore responsible for actions of those under his command.
- 3) Defendant, Turn Key et al, is an entity of Oklahoma and is the Health Care Service Provider for Osage County. At the time the claim(s) alleged in this complaint arose, was the defendant acting under color of state law? Yes. If your answer is "Yes", briefly explain: The medical staff was contracted to provide sufficient and adequate medical service to Osage County inmates.
- 4) Jurisdiction is invoked pursuant to 42 U.S.C. §1983.

**B. NATURE OF THE CASE**

- 1) Briefly state the background of your case:  
 At approx. 8:00 p.m. on March 17th, 2017, plaintiff shattered his patella in his cell while housed at the Osage County jail. Plaintiff immediately called the head guard, "Rod", to report his medical emergency. A guard named Jose and another guard came with Rod to plaintiff's cell. Since there was no nurse on duty at the time Rod called the overnight guard, O'Driskall, who is a first responder, for assistance and advice. When O'Driskall arrived he examined the plaintiff's knee and determined that it was badly

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damaged. The four guards that were present took pictures of the plaintiff's knee on their phones and text messaged them to the nurse practitioner who, after seeing the pictures of the injured knee, directed the guards to call an ambulance because the plaintiff was in need of immediate medical attention.

At this time, Friday the 17th of March, 2017, the guards decided to put the plaintiff in solitary confinement in order to, they said, keep an eye on him. For the next two days the guards never checked on the plaintiff's injury and only opened his door briefly to slide him his meal trays. The plaintiff was in excruciating pain and asked the guards to provide him with medical attention, a medical slip or a grievance form. The guards ignored his pleas.

Finally, on Sunday the 19th of March, 2017, the plaintiff was able to get the attention of a nurse and, after speaking with the plaintiff, provided him with an 800 mg ibuprofen and a medical slip which the plaintiff filled out and turned in.

The following day, Monday the 20th, an x-ray truck came to the jail and took x-rays of the plaintiff's knee. Tuesday the 21st the plaintiff was moved to a medical pod by the Osage County jail staff who told him he needed to "figure out what to do with him."

The next Friday, March 24th, the plaintiff submitted? another medical request asking for a doctor and medical attention and grievance forms but was ignored by staff. It was only after the plaintiff relentlessly asked for grievance forms and threatened to sue over his denial of medical care did the staff provide him with a knee brace on Friday, March 31st.

On the 18th of April, 2017, the plaintiff was expedited into the custody of the Oklahoma Department of Corrections and sent to Lexington Correctional Center for Assessment and Reception.

The plaintiff finally received medical treatment when he arrived at the William S. Key Correctional Center. He was taken to Lindsey for a consultation on the 1st of May (approx.). He then had surgery on his knee approx. three weeks later.

### C. CAUSE OF ACTION

1) The plaintiff alleges that the following of his constitutional rights, privileges or immunities have been violated and that the following facts form the basis for his allegations:

A)(1) Count 1: Deliberate Indifference to serious medical need 8th Amendment of the US Constitution violation.

(2) Supporting Facts:

3/17/17: Plaintiff shatters his patella in his cell at the Osage County jail. Osage County jail officials determine that the plaintiff's knee is badly injured and that he is in need of immediate medical attention. Jail officials then place the plaintiff in an isolation cell to "keep an eye on him."

3/18/17: No medical attention. Jail staff ignores his pleas for medical attention, medical slip or grievance form.

3/19/17: Plaintiff was able to get a nurse's attention and received an 800 mg ibuprofen and a medical request form.

3/20/17: Plaintiff's knee was x-rayed, after which he was moved to a medical unit.

3/21/17-3/30/17: No medical attention. Plaintiff complains of pain and asks for medical attention and grievance forms everyday.

3/31/17: Plaintiff threatens to sue the county for denial of medical care, after which jail officials provide plaintiff with a knee brace.

4/1/17-4/17/17: No medical attention.

4/18/17: Plaintiff was expedited into the custody of the Oklahoma Department of Corrections and sent to Lexington Correctional Center for Assessment and Reception.

5/3/17 (approx.): Plaintiff was transported to Lindsey for a medical consultation.

5/24/17 (approx.): Plaintiff had surgery on his knee.

#### **D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? No.

2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. No. Plaintiff requested administrative forms/grievance forms multiple times during his incarceration in the Osage County jail. All his requests for grievance forms were ignored. Plaintiff believes the medical record showing the severity of his injury would make apparent the implausibility that he would sit quietly in his cell in excruciating pain without trying to seek administrative relief. Plaintiff was denied the avenue of administrative relief.

#### **E. REQUEST FOR RELIEF**

1) I believe that I am entitled to the following relief:

**Discretionary damages:** in the amount of \$7,500,000 for mental anguish of the partial loss of mobility which will limit plaintiff's ability to perform duties as a construction superintendent/ project manager in the oil industry.

**General damages:** in the amount of 1,000,000.

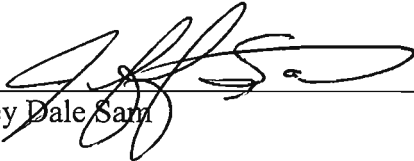
**Punitive damages:** in the amount of 1,500,000 for cruel and unusual punishment, pain and suffering stemming from the insufficient and inadequate medical care which is a violation of the plaintiff's most basic and guaranteed civil liberties protected by the 8th Amendment of the U.S. Constitution.

**VERIFICATION/DECLARATION UNDER PENALTY OF PERJURY**

Pursuant to 21 O.S. § et seq. O.S. § 748 Rule 4 (c) rules for the District Court of Oklahoma the plaintiff herein states under penalty of perjury and under the laws of Oklahoma that the foregoing is true and correct; that the plaintiff has read the foregoing and affixed his signature hereto at the William S. Key Correctional Center, Fort Supply, OK on this 7<sup>th</sup> day of July, 2017.

(s)

Jeffrey Dale Sam



**CERTIFICATE OF SERVICE**

I, Jeffrey Dale Sam, the undersigned Plaintiff, hereby certify that on the 7<sup>th</sup> day of July, 2017, I handed this and one true and correct copy of the foregoing "42 U.S.C. 1983" to William S. Key Correction Center prison officials for mailing via the institutional Legal Mail System with pre-paid U.S. first class postage affixed thereto, as follows:

Mark McCartt-U.S. Northern District Clerk's Office  
Page Belcher Federal Bldg & Courthouse  
333 W. 4th St, Rm. 411  
Tulsa, OK 74103

One (1) Original

Jeffrey Sam # 761029  
William S. Key C.C.  
P.O. Box 61  
Fort Supply, OK 73841

Case 4:17-cv-00415-TCK-fhm Document 1 Filed in USDC ND/OK on 07/14/17 Page 5 of 6

**17 CV 415 TCK - FHM**



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7/11/17 *gn*

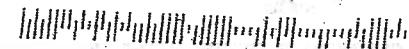
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JUL 14 2017

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U.S. DISTRICT COURT

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